

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

Zhejiang Medicine Co., Ltd.,  
 and  
 ZMC-USA L.L.C.,  
  
**Plaintiffs,**  
  
**v.**  
  
**Kaneka Corporation,**  
  
**Defendant.**

)  
 )  
 )  
 ) **Civil Action No. 4:11-cv-1052 (VDG)**  
 )  
 )  
 ) **JURY TRIAL DEMANDED**  
 )  
 )  
 )  
 )  
 )  
 )

**ZHEJIANG MEDICINE CO., LTD. AND ZMC-USA L.L.C.'S  
NOTICE OF DECISIONS IN PARALLEL PROCEEDING**

Plaintiffs Zhejiang Medicine Co., Ltd. and ZMC-USA L.L.C. (collectively “ZMC”) respectfully submit this notice to inform the Court of the decisions in the previously co-pending ITC investigation involving ZMC and Kaneka Corporation (Investigation No. 337-TA-790, relating to the ‘340 patent – the patent-in-suit in the present case). On September 27, 2012, the Administrative Law Judge (“ALJ”) issued an Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond, in which the ALJ found, among other things, no infringement of the asserted claims of the ‘340 patent by ZMC and no domestic industry. *See* Exhibit A (public version of Initial Determination) at 381-382.

Following petitions for review of the ALJ's Initial Determination, on November 29, 2012, the U.S. International Trade Commission issued a notice of its determination to review and affirm with respect to two issues, to review and vacate with respect to one issue, and not to review the remainder of the Final Initial Determination of the ALJ (including the finding of no infringement of the asserted claims of the '340 patent by ZMC and no domestic industry). *See*

Exhibit B. The Commission has not yet released a public version of its Opinion. The Commission's action terminated the investigation. *Id.*

Dated: January 10, 2013

Respectfully submitted,

*Of Counsel*

Trenton L. Menning  
State Bar No. 24041473  
S.D. Tex. No. 934494  
[tmenning@mayerbrown.com](mailto:tmenning@mayerbrown.com)  
Quinncy N. McNeal  
[gmcneal@mayerbrown.com](mailto:gmcneal@mayerbrown.com)  
State Bar No. 24074690  
*Admission pending*  
Mayer Brown LLP  
700 Louisiana Street, Suite 3400  
Houston, TX 77002-2730

Gary M. Hnath  
Mayer Brown LLP  
[ghnath@mayerbrown.com](mailto:ghnath@mayerbrown.com)  
1999 K Street, N.W  
Washington, DC 20006-1101  
202-263-3000 (telephone)  
202-263-5340 (facsimile)

*Pro hac vice*

BY: /s/ Mark D. Manela

Mark D. Manela  
State Bar No. 12894500  
S.D. Tex. No. 1824  
[mmanela@mayerbrown.com](mailto:mmanela@mayerbrown.com)  
Mayer Brown LLP  
700 Louisiana Street, Suite 3400  
Houston, TX 77002-2730  
713-238-2645 (telephone)  
713-238-4645 (facsimile)

*Attorney-in-Charge*

ATTORNEYS FOR PLAINTIFFS  
ZHEJIANG MEDICINE CO., LTD. and ZMC-  
USA L.L.C.

### **CERTIFICATE OF SERVICE**

I certify that on the 10th day of January, 2013, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

s/ Mark D. Manela